

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC., DELL, INC., HEWLETT-  
PACKARD COMPANY,

Defendants,

and

MICROSOFT CORPORATION,

Intervenor and Third  
Party Plaintiff,

v.

MIKI MULLOR,

Third Party Defendant.

Case No. C09-0270MJP

**ORDER SETTING BRIEFING  
DEADLINES AND STAYING  
DISCOVERY ON THE PATENT CLAIMS**

ORDER

1 This matter comes before the Court on the parties' revised joint status report and  
 2 discovery plan. (Dkt. No. 64.) On June 29, 2009, the Court held a telephonic conference with  
 3 counsel to discuss several issues raised in the joint status report. (Dkt. No. 69.) The Court  
 4 finds and orders as follows:

- 5 1. The Court STAYS all discovery related to the patent claims until September 1, 2009.

6 Counsel indicated that Microsoft requested reexamination of the '941 patent on or  
 7 about June 1, 2009. Under 35 U.S.C. § 303, the Director of the Patent and Trademark  
 8 Office has three months to determine "whether a substantial new question of  
 9 patentability ... is raised by the request." The parties shall inform the Court once they  
 10 receive a response from the PTO.

- 11 2. All discovery related to the employment suit shall proceed and is not subject to the stay.


12 The Court sets the following deadlines:

13 September 17, 2009	Microsoft's Motion for Sanctions (24 pages)
14 October 5, 2009	Response to Motion for Sanctions (24 pages)
15 October 9, 2009	Reply on Motion for Sanctions (12 pages)

- 16 3. The Court shall set all other dates, including the trial date, once the PTO determines  
 17 whether a "substantial new question of patentability" exists and/or there is a ruling on  
 18 the motion for sanctions.

19 It is SO ORDERED. The Clerk is directed to transmit a copy of this Order to all  
 20 counsel of record.

21 DATED this 30th day of June, 2009.

22  
 23   
 24 Marsha J. Pechman  
 25 United States District Judge